

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Trevor Hackett	Team: Squad #13	CCRB Case #: 201905265	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/16/2019 11:30 AM	Location of Incident: In front of 920 Kings Highway	Precinct: 61	18 Mo. SOL 12/16/2020	EO SOL 8/2/2021	
Date/Time CV Reported Sun, 06/16/2019 9:31 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 06/16/2019 9:31 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Hammad Syed	27013	948280	061 PCT
2. POM Kenneth Carter	18759	963906	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Hammad Syed	Abuse: Police Officer Hammad Syed threatened to arrest § 87(2)(b)	
B.POM Hammad Syed	Abuse: Police Officer Hammad Syed threatened to seize § 87(2)(b)'s property.	
C.POM Hammad Syed	Abuse: Police Officer Hammad Syed threatened to issue a summons to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 16, 2019, § 87(2)(b) filed this complaint via the CCRB website.

On June 16, 2019, at approximately 11:30 a.m., § 87(2)(b) was involved in a parking dispute with another driver in front of 920 Kings Highway in Brooklyn. § 87(2)(b) who feared for her safety, called 911. PO Hammad Syed and PO Kenneth Carter of the 61st Precinct arrived at the location. PO Syed told § 87(2)(b) that if she did not leave, he would issue her a summons (**Allegation A- Abuse of Authority**, § 87(2)(g)). When § 87(2)(b) asked why she would be issued a summons, PO Syed told her that if she did not leave, he would have her car towed (**Allegation B - Abuse of Authority**, § 87(2)(g)) and she would be arrested (**Allegation C - Abuse of Authority**, § 87(2)(g)). § 87(4-b), § 87(2)(g)

§ 87(2)(b) was not summonsed or arrested regarding this incident.

Body Worn Camera footage from PO Syed and PO Carter was obtained. The footage can be found in IAs # 44 and #45 (**Board Review 01, 02**), and the summaries can be found in IAs #71 and #75 (**Board Review 03, 04**). Cell phone footage from § 87(2)(b) and her friend, § 87(2)(b) was also obtained. The footage can be found in IAs # 18, #19, and #51 (**Board Review 05, 06, 07**) and the summaries can be found in IAs #80, #81, and #82 (**Board Review 08, 09, 10**). However, none of the video evidence captures the points in time during the incident when the threat to summons, threat of arrest, and threat to seize property are alleged to have occurred.

Findings and Recommendations

Allegation (A) Abuse of Authority - PO Hammad Syed threatened to summons § 87(2)(b)

Allegation (C) Abuse of Authority – PO Hammad Syed threatened to arrest § 87(2)(b)

§ 87(2)(b) testified that when she explained the situation to PO Syed, he became irate and did not understand why she was afraid of the other driver. PO Syed ordered § 87(2)(b) to leave the location. § 87(2)(b) did not comply, told PO Syed that she was parked legally, and asked why she had to leave. PO Syed told § 87(2)(b) if she did not leave, her car would be towed (See Allegation B below) and she would be arrested. When § 87(2)(b) asked why, PO Syed told her it was because she refused to leave.

§ 87(2)(b) said her friend, § 87(2)(b) arrived at the location while PO Syed was speaking to § 87(2)(b). § 87(2)(b) told PO Syed that the way he was behaving was inappropriate. PO Syed told § 87(2)(b) that § 87(2)(b) was wasting NYPD resources by calling 911 over a parking dispute. PO Syed ordered § 87(2)(b) to produce her license and registration twice, which she refused to do. PO Syed told § 87(2)(b) that she needed to provide her documentation because she had reported a traffic accident. § 87(2)(b) denied reporting a traffic accident, but ultimately produced her documents. PO Syed told § 87(2)(b) that she was wasting NYPD resources by calling 911 and that she could park at the location, but not to call the police if her car got damaged. During her CCRB interview, § 87(2)(b) stated that during her

interaction with PO Syed, he threatened to summons her approximately five times (**Board Review 11**).

§ 87(2)(b)'s statement was generally consistent with § 87(2)(b)'s statement. He testified that he received a call from § 87(2)(b) who asked § 87(2)(b) to come to her location. When § 87(2)(b) arrived, he witnessed PO Syed order § 87(2)(b) to leave the location, and § 87(2)(b) refuse. PO Syed told § 87(2)(b) that she was wasting NYPD resources and not to call 911 again if her car got damaged. § 87(2)(b) heard PO Syed tell § 87(2)(b) he would summons her, and later, that he would arrest her if she did not leave. § 87(2)(b) did not know what reason, if any, PO Syed gave to § 87(2)(b) for why she would be summonsed or arrested (**Board Review 12**).

Event documents list the job category as a vehicle accident. The job was updated to a traffic dispute several minutes later (**Board Review 13**).

PO Carter testified that he and PO Syed responded to a call of a vehicle accident at the location. PO Carter denied knowing the job was updated to a traffic dispute before they arrived. When he and PO Syed arrived, § 87(2)(b) explained that she was involved in a parking dispute, not a traffic accident. PO Syed ordered § 87(2)(b) to produce her license and registration several times and she complied after two to three minutes. In order to deescalate the situation, PO Syed and PO Carter ordered § 87(2)(b) and the second driver to leave because they had been arguing before the officers arrived. § 87(2)(b) asked PO Syed why she needed to leave. PO Carter could not recall what was said between PO Syed and § 87(2)(b) and did not recall PO Syed telling § 87(2)(b) that she would be summonsed or arrested. PO Carter said § 87(2)(b) did not commit any violation that she could have been summonsed or arrested for during the incident (**Board Review 14**).

PO Syed testified that he and PO Carter responded to a call of a verbal dispute. When the officers arrived, § 87(2)(b) and a second driver were in their vehicles, arguing over a parking spot. PO Syed determined that neither vehicle sustained any damage and no traffic accident had occurred. PO Syed told § 87(2)(b) and the second driver to vacate the parking space and leave the area in order to diffuse the situation. The second driver refused PO Syed's order to leave because he said that § 87(2)(b) had taken his parking space. PO Syed ordered § 87(2)(b) to leave the location approximately three times and each time, § 87(2)(b) refused.

PO Syed ordered § 87(2)(b) to produce her license and registration more than three times because she had disobeyed a lawful order by not leaving the parking space. § 87(2)(b) refused each time. PO Syed told § 87(2)(b) that he could summons her for not leaving the location and for refusing to provide her documents. PO Syed then said he could arrest § 87(2)(b) for refusing to leave the location. The second driver ultimately left the location and PO Syed allowed § 87(2)(b) to keep the parking spot. During his CCRB interview, PO Syed specified that § 87(2)(b) could have been summonsed for disobeying a lawful order when she refused to leave the location (**Board Review 15**).

The footage from PO Syed's Body Worn Camera shows that between the 02:40 and 03:49 media player timestamps, visible at the bottom of the screen, PO Syed orders § 87(2)(b) to leave the

location because he does not want § 87(2)(b) to later call 911 if the other driver damages her car. PO Syed asks § 87(2)(b) why she called 911 over a parking dispute. § 87(2)(b) says she feared for her safety. PO Syed tells § 87(2)(b) that he is ordering her to leave for her own safety and § 87(2)(b) does not comply. PO Syed ultimately tells § 87(2)(b) that she can stay in the parking spot, but to not call 911 again if her car gets damaged. Between 01:56 and 02:05, PO Syed orders the second driver to leave the location.

According to New York State Vehicle and Traffic Law, Section 1102, no person shall fail or refuse to comply with any lawful order of any police officer or other person duly empowered to regulate traffic (**Board Review 16**). According to NYC Penal Law, Section 240.20, a person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse (**Board Review 17**). People v. Todaro, (26 N.Y. 2d 325) says a refusal to obey a lawful order can be justified only where the circumstances show conclusively that the police officer's direction was purely arbitrary and was not calculated in any way to promote the public order. Proof of the accomplished fact of public inconvenience, annoyance or alarm is not required, though proof of which the risk of it, recklessly created, might be inferred, is required (**Board Review 18**).

§ 87(2)(g)

[REDACTED]

Allegation (B) Abuse of Authority - Police Officer Hammad Syed threatened to seize § 87(2)(b) s property.

§ 87(2)(b) stated that PO Syed threatened to have her car towed if she did not leave the location. § 87(2)(b) stated that while he heard PO Syed threaten to summons and arrest § 87(2)(b) he did not hear PO Syed threaten to have her car towed. PO Carter did not recall PO Syed making this threat. PO Syed acknowledged threatening to arrest and summons § 87(2)(b) but denied threatening to seize her car.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 20**).
- PO Syed has been a member-of-service for 10 years and has been a subject in two additional CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- PO Carter has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A Notice of Claim inquiry was submitted to the New York City Office of the Comptroller on October 15, 2019. The results are still pending and will be added to the case file upon its receipt (**Board Review 21**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date